HIGH COURT OF CHHATTISGARH : BILASPUR

Division Bench

Writ Petition No. 421 of 2005

Coram : **Hon'ble Shri Jagdish Bhalla, Acting CJ &**
Hon'ble Shri Satish K. Agnihotri, J

PETITIONER Rajendra Sultania, Aged about 39 years, S/o. shri Radheshyam Sultania, R/o. Sheorinarayan, Tahsil Janjgir District Janjgir-Champa (CG)

Versus

RESPONDENTS

1. Indian Oil Corporation Ltd., (a Company incorporated under the Companies Act 1956 with registered office at G-9 Ali Yavar Jung Marg, Mumbai – 400051

2. Indian Oil Corporation Ltd., (a company incorporated under the Companies Act 1956 with divisional office at VIP Road, Telibandha, Raipur (CG)

3. Union of India, through the Ministry of Petroleum Products and Natural Gases, New Delhi.

(Writ Petition under Article 226 of the Constitution of India)

Present :

Shri Kishore Bhaduri, Advocate with Shri Jitendra Pali, counsel for the petitioner.

Shri P.Diwakar, Senior Advocate with Shri Adiraj Surana, Advocates for the respondents.

ORAL ORDER

(Passed on 4th December, 2007)

The following oral order of the Court was passed by **Hon'ble Shri Jagdish Bhalla, Acting C.J.**

In the instant petition, the petitioner has prayed for issuance of writ of mandamus directing the respondents-Corporation to execute an

agreement with the petitioner thereby providing nominations to be made by the petitioner for COCO contractorship in accordance with the policy circulars dated 8th August 2003 of the petitioner and further not to select or appoint any fresh/new/substituted COCO contractor whatsoever or even initiate a process of appointment of a regular dealer for its retail outlet situated at Sheorinarayan unless having acted in accordance with the convenants of the agreement which is sought to be executed among the parties hereto.

Learned counsel for the petitioner submits that a lease deed was entered upon by the brother of the petitioner namely, Shri Pawan Sultania with Indian Oil Corporation Limited for providing site for construction of outlet (petrol pump). Subsequently, a circular was issued by the authorities providing certain facilities to those who gave their land for site of outlet (petrol pump). The petitioner claimed for allotment of the outlet on the basis of the aforesaid circulars. However, since, the land in question belongs to a joint family, the petitioner could not pursue his family to nominate him for the allotment of the outlet dealership. We further find that the scheme which came into existence in the year 2003 was not made available retrospectively.

We have been informed on behalf of Indian Oil Corporation Limited that Smt. Chameli Khatkar, a member of Scheduled Caste under reserved category has been appointed as permanent dealer of the outlet (petrol pump). In this connection, a writ petition (W.P.No. 4472/2004) has been filed and the same has been dismissed.

In the light of above discussion, no interference is warranted. Accordingly the writ petition is dismissed.

Sd/-
Acting Chief Justice

Sd/-
Satish K. Agnihotri
Judge

Suguna